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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,168	04/15/2004	Hua-Jun Zeng	MS1-2037US	8607
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER EHICHIOYA, FRED I	
			ART UNIT	PAPER NUMBER
			2162	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/18/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/18/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/826,168

Applicant(s)

ZENG ET AL.

Examiner

Fred I. Ehichioya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8, 12 - 15, 17 - 23, 26 - 35, and 38 - 49 is/are rejected.
- 7) ☒ Claim(s) 9 - 11, 16, 24, 25, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the communication filed April 15, 2005
2. Claims 1 – 49 are pending in this Office Action.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 - 7, 9 – 22, 24 – 34, 36 – 44, and 47 - 49 are rejected under 35

U.S.C. 101 because:

Regarding claims 1, 17, 30 and 41, these claims are directed to receiving a search query. The claimed subject matter lacks a practical application of judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful result. Specifically, the claimed subject matter does not produce a useful result because the claimed subject matter fails to disclose a complete disclosure that contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful. Such a statement will usually explain the purpose of the invention or how the invention may be used (e.g., a compound is believed to be useful in the treatment of a particular disorder). Regardless of the form of statement of utility, it must enable one ordinarily skilled in the art to understand why the applicant believes the claimed invention is useful. More specifically, the claimed subject matter provides for “**retrieving search results**” which is a process and mere calculation. This produced result remains in the

abstract and, thus, fails to produce a useful result. The claimed invention does not accomplish a "useful result" as forth in MPEP 2106 (II) (A).

Regarding claims 2, 18, 31 and 42, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claim 3, and in view of MPEP 2106 (II) (A), is not statutory because the claim merely recites computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claim is merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claim does not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 4, 19, 32 and 43, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims

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do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 5, 20, 33 and 44, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 6, 21, 34 and 45, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claim 7, and in view of MPEP 2106 (II) (A), is not statutory because the claim merely recites computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claim is merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claim

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does not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 9, 24 and 36, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely calculations and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 10, 25 and 37, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely calculations and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claim 11, and in view of MPEP 2106 (II) (A), is not statutory because the claim merely recites computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claim is a mere calculation and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claim

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does not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 12, 26, 38 and 47, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 13, 27, 39 and 48, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 14, 28, 40 and 49, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims

do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claims 15 and 29, and in view of MPEP 2106 (II) (A), are not statutory because they recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claims are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims do not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claim 16, and in view of MPEP 2106 (II) (A), is not statutory because the claim merely recites computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claim is merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claim does not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Regarding claim 22, and in view of MPEP 2106 (II) (A), is not statutory because the claim merely recites computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. The claim is merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claim

does not accomplish a "practical application" as forth in MPEP 2106 (II) (A); therefore non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 6, 8, 17 – 23, 30 – 35 and 41 – 46 are rejected under 35 U.S.C. 102(e) as being anticipated by "Fish" – US Pub. No. 2005/0097188.

Regarding claims 1, 17, 30 and 41. Fish discloses a method for enhanced document retrieval, the method comprising:

receiving a search query from an end-user (Fig.8 step 36);

responsive to receiving the search query, retrieving search results, the search results comprising an enhanced document (page 11, paragraph 116: Fish discloses enhanced result; examiner interprets this "enhanced results" as "enhanced documents") and a set of non-enhanced documents (page 11, paragraph 114: Fish discloses non-enhanced result; examiner interprets this "non-enhanced results" as "non-enhanced documents"), the enhanced document and the non-enhanced documents including

term(s) of the search query (page 8, paragraph 74: Fish discloses metadata that are associated with the base document and the “eternal source” in Fig.1 step 22 are the based documents); and

wherein the enhanced document is derived from a base document (page 11, paragraph 116: Examiner interprets “external source” as the “base document”), the base document having been modified with metadata mined from one or more different documents, the metadata being associated with one or more respective references to the base document, the one or more different documents being independent of the base document (page 8, paragraph 74: Fish discloses metadata that are associated with the base document and the “eternal source” in Fig.1 step 22 are the based documents).

Regarding claims 2, 18, 31 and 42, Fish discloses a method as recited in claim 1, wherein the set of non-enhanced documents is not an empty set (Fig. 11 step 138 and page 8, paragraph 75).

Regarding claim 3. Fish discloses a method as recited in claim 1, wherein term(s) of the search query pertain to a product research and/or product troubleshooting (page 6, paragraph 47: **Note: Applicant’s use of “And/or” is translated to mean “one or the other or both”**: Therefore, examiner interprets “information of lodging” as “product research” in the claimed limitation “wherein term(s) of the search query pertain to a product research”).

Regarding claims 4, 19, 32 and 43, Fish discloses a method as recited in claim 1, wherein the base document is a knowledge base, product help, and/or developer targeted article (page 6, paragraph 55: **Note: Applicant's use of "And/or" is translated to mean "one or the other or both":** Therefore, examiner interprets "information on roofing contractor" as "product help" in the claimed limitation "wherein the base document is a product help").

Regarding claims 5, 20, 33 and 44, Fish discloses a method as recited in claim 1, wherein the one or more different documents comprise one or more service request(s), newsgroup posting(s), and/or search query log(s) (page 5, paragraph 28: **Note: Applicant's use of "And/or" is translated to mean "one or the other or both":** Therefore, examiner interprets "rating service" as "service request" in the claimed limitation "wherein the one or more different documents comprise one or more service request(s)").

Regarding claims 6, 21, 34 and 45, Fish discloses a method as recited in claim 1, wherein the one or more respective references to the base document comprise a link and/or a substantially unique documents identifier associated with the base document (page 1, paragraph 8: **Note: Applicant's use of "And/or" is translated to mean "one or the other or both":** Therefore, examiner interprets "web page identifier" as "documents identifier" in the claimed limitation "wherein the one or more respective

references to the base document comprise a substantially unique documents identifier associated with the base document")

Regarding claims 8, 23, 35 and 46, Fish discloses a method as recited in claim 1, and further comprising:

determining relevance of the enhanced document and the set of non-enhanced documents in view of search query term proximity and popularity criteria (page 2, paragraph 14); and

returning ranked search results to the end-user, the ranked search resulting being ranked as a function of the relevance (page 7, paragraph 55).

Regarding claim 22, Fish discloses the computer-readable medium as recited in claim 17, wherein the metadata is semantically and/or contextually related to associated ones of the one or more documents (page 2, paragraph 15: **Note: Applicant's use of "And/or" is translated to mean "one or the other or both":** Therefore, examiner interprets "Each small piece of text within the documents such as a sentence, phrase and semantic unit in the data base is treated as a document" as "wherein the metadata is semantically related to associated ones of the one or more documents").

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 12, 13, 14, 15, 26, 27, 28, 29, 38, 39, 40, and 47 - 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Fish in view of Gomes et al., "Gomes" (US Patent No. 6,615,209).

Regarding claim 7, Fish discloses the claimed subject matter as discussed in claim 1. Fish does not explicitly disclose title of document as claimed.

However, Gomes discloses wherein the metadata comprises a title of a document, product problem context, and/or product problem resolution information (column 16, lines 49 – 54 and column 17, lines 16 - 20: **Note: Applicant's use of "And/or" is translated to mean "one or the other or both"**: Therefore, Gomes discloses "document title" in the claimed limitation "wherein the metadata comprises a title of a document").

It was have been obvious to one of ordinary skills at the time of present invention to combine the cited reference because Gomes teaching of "extraction of title" would have allowed Fish's system to detect and/or remove duplicate information or duplicate content in response to, and based on, an information search query because retrieving a title during concept or keyword search reflects more similarity of the sought term.

Regarding claims 12, 26, 38 and 47, Gomes discloses a method as recited in claim 7, wherein after determining the relevance and before returning the ranked results, the method further comprises:

creating a respective snippet description for each result of the top-ranked results, the snippet description indicating significance of the result in view of term(s) of the search query (column 11, lines 54 – 57); and

wherein the ranked search results comprise the respective snippet description for each result of the top-ranked results (column 12, lines 50 – 54).

Regarding claims 13, 27, 39 and 48, Gomes disclose a method as recited in claim 12, wherein creating further comprises:

locating one or more blocks from a retrieved document in the top-ranked search results (column 12, lines 50 – 54); and

highlighting term(s) of the search query in the one or more blocks (column 16, lines 50 – 51).

Regarding claims 14, 28, 40 and 49, Gomes discloses a method as recited in claim 13, wherein locating further comprises:

identifying the one or more blocks with a sliding window of configurable size that is applied to portions of the retrieved document (column 11, lines 12 – 15);

measuring an amount of query-related information carried by text delineated by the sliding window, the measure being based on quantitative criteria such as word

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frequency, word proximity to a query term, and/or word position (column 6, lines 57 – 61

Note: Applicant's use of "And/or" is translated to mean "one or the other or

both": Therefore, Gomes discloses "proximity" in the claimed limitation "the measure being based on quantitative criteria such as word frequency, word proximity to a query term"); and

combining the quantitative criteria with a trained classifier to identify a substantially most informative block for the snippet description (column 16, lines 49 – 53).

Regarding claims 15 and 29, Gomes discloses a method as recited in claim 14, wherein the configurable size is a function of client computing device user interface space available for display of the snippet description (Fig. 16 and column 17, lines 11 – 15).

Claim Objections

8. Claims 9, 10, 11, 16, 24, 25, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and also overcome the deficiencies of the rejections under USC 101 above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred I. Ehichioya
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January 8, 2007



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